

## Election of Administrative Hearing Rights

Under Florida law, if you failed your licensure examination by less than ten (10) percent of the grade required for passing, you can contest the examination. To do this, you must request a hearing by choosing one of the options set forth below **and** filing your petition with the Agency Clerk. The petition must be filed within twenty-one (21) days from the date the Department has posted examination grades, or if you plan to review, or have reviewed your examination, within twenty-one (21) days of the date of your review of the examination.

**Your petition must be received by the Agency Clerk within the above-stated twenty one (21) day period at the following address:**

### AGENCY CLERK

Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, BIN A02  
Tallahassee, Florida 32399-1703

**Administrative Hearing Option A** - If you are not disputing the examination's grading, scoring, validity as a testing tool, or methodology, you may request a Hearing Not Involving Disputed Issues of Material Fact. This hearing will be before the Board that regulates your specific profession or the Department of Health if there is no Board for that profession. Although the Board's greatest authority is limited to ordering a free re-take of the examination, or a section of the examination, you will be given an opportunity to appear at a scheduled Board hearing and present your case to the Board. Your petition must be in substantial compliance with Rule 28-106.301, Florida Administrative Code. **If you elect this option, you will not be able to dispute anything relating to the exam itself, and the Department will not re-score your exam. You will only be allowed to explain how mitigating factors such as external conditions, loud noises, or temperature affected your ability to take the exam.**

**or**

**Administrative Hearing Option B** - If you dispute anything related to the examination's grading, scoring, validity as a testing tool, or methodology, you may request a Hearing Involving Disputed Issues of Material Fact. This hearing will be before an Administrative Law Judge. **Your petition will be forwarded to the Division of Administrative Hearings and your petition must state all disputed facts pertaining to the exam questions and/or procedures, and be in substantial compliance with Rule 28-106.201, Florida Administrative Code.**

Please be advised that the administrative hearing process is lengthy and it may take 6 to 12 months, or longer, before a final decision is made. The Department will be represented by an attorney and may offer the testimony of one or more expert witnesses. You are hereby notified, pursuant to Section 120.573, Florida Statutes, that mediation is not available to resolve these issues.